

IN THE
District Court of Illinois
Northern District

EMT

Antonio Bealer
Plaintiff

V.
Salvador A. Galdinez et al.
Defendants

Case No. 13C7928

Judge Chacko

FILED

NOV 6 2013
11-6-2013
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Memorandum of Law

To Support 6 Page Motion of Recalculation Plaintiff
Present case laws in support: Chathas v. Local 134 IBEW,
233 F.3d 508, 512 (7th Cir 2000) "An appeal does not present
a real case or controversy where appellant complains not about
a judgment but about statements or findings in the courts
opinion

Q) Rule 58 Separate Document Rule that is required in
every civil case a part from district court's Memorandum
opinion or order that disposes of the case. Perry v. Sheet
Metal Workers, Local NO. 13 Pension Fund, 585 F.3d 358,
361-62 (7th Cir 2009) "The Documents benefits
both the parties (for purposes of enforcement and
clarity of legal obligations) and judicial system.

Rule 58(a) provides that every judgment must ~~set~~
be set out a separate document but enumerates five
kinds of decision that do not count as a judgment:

- a) For judgment under Rule 50(b)
- b) To Amend or make additional findings under Rule 52(b)
- c) For attorney's fees under Rule 54.
- d) For new trial, or to alter or Amend the judgment
Rule 59 or
- e) Relief under rule 60.

Rule 58: If the District Court not entered a
Rule 58 judgment though required, see Fed. R. Civ. P. 58

a) The rule ~~request~~ provides that a party may do
so to request court to do so. Fed. R. Civ. P. 58(d)

A Typical Rule 58 Judgment identifies all the
parties in the case and records the disposition of every
claim made by every party and nothing more.
Exelon Generation company, LLC v. Local 15, internat-
ional Brotherhood of ~~electrical~~ electrical workers, AFL-
CIO 540 F.3d 640, 643-44 (7th Cir 2008)

An order interpreting or clarifying an instruction is not appealable. On the other hand, a "misinterpretation" would be a modification of an instruction because it would change, rather clarify, the meaning of the original instruction. Association of Community Organizations for Reform Now (ACORN) v. Illinois State Board of Elections 75 F.3d 304, 306 (7th Cir 1996).

- 3) Failure To receive Notice of Judgment or order. Failure to receive notice of entry of judgment does not toll the time for filing an appeal. Parties that either do not receive notice of entry of judgment or receive the notice so late as to impair the opportunity to file a timely appeal, however are not without remedy. The district court may reopen briefly the appeal period if it finds that a party did not receive notice of entry of a judgment or order from the district court or another party.
- 4) Motion To Amend or Make additional findings of facts under Fed. R. Civ. P. 52(b) whether or not granting the motion would alter the judgment.
 - d) A motion to alter or amend the judgment under Fed. R. Civ. P. 59.
 - f) Motion for relief under Fed. R. Civ. P. 60 provided the motion is filed no later than 28 days after entry of judgment.
- 5) Plaintiff attached is Mandamus pursuant to Code of Civil Procedure 735 ILCS 5/14-120 et seq of 3 pages to support this reconsideration of denial of judgment with bias and judgment due to 67 page book of Plaintiff Political/Philosophy/Spiritual Views and motions to be given free copies court stamped of 97 page civil complaint, 100 page evidence section, 10 page motion of course in form of pauper's that shows he filed as poor person with certificate sign by Trust Fund officer and account of last 12 months trust fund balance. These was filed 6-21-13 when filed initially the lawsuit but never mailed back. So 8-21-13 Plaintiff filed Multiple Motion to be given free copies of all 3 documents from 6-21-13. Court never sent them still till this day. Judge with bias denied due to motions and book filed 8-21-13 which is last 20F3 Documents filed in this matters

- 6) Also being sent with this Motion To reconsider is Motions To Amend or make additional finding of facts under Fed. R. Civ. P. 52(b) Whether or not granting the Motion would alter the Judgment.
- 7) Also sent Motion To alter or Amend Judgment under Fed. R. Civ. P. 59.
- 8) Motion for relief under Fed R. Civ P. 60 is also being Mailed
- 9) Also being Mailed is currently Trust fund balance of indigent status; and Following these documents will be Mailed certificate of trust fund officer of Plaintiff indigent status who was sent it 9-17-13 and when sent back along with trust fund balance of last 12 months when they send it it will immediately be Mailed to this court
- 10) Also Notice of filing reconsideration is being Mailed and Affidavit showing I sent all these documents mentioned.

Date 9-17-13

Antonio Beal